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FROM

ASTER (By) *John S. Sear* MAILING OFFICE
W. Leon Lachell Peter Gold
4525 Oak KC Mo 64111 G.P.O.: 194-535-6
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TO Alex Lucy
National Pedowment for the Humanities
800 Pennsylvania Avenue NW
Washington DC

G.P.O.:1874-535-543

SAVE THIS RECEIPT FOR REGISTERED MAIL

COVERAGE—Domestic insurance for registered mail is limited to (1) the value of the article at the time of mailing or the cost of replacement if lost or totally damaged, or (2) the cost of repairs. Coverage may not exceed the limit fixed for the registry fee paid. Consult postmaster for additional details of insurance limits and coverage for domestic registered mail.

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FOREIGN COUNTRIES—Consult postmaster as to insurance coverage on registered articles addressed to foreign countries.

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PS Form 3806, Mar. 1974

11-3-75

June,

This is the
receipt I received
when mailing the
NEH report - The
registration report

should arrive
in a couple of days

Lais

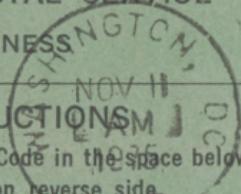
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Print your name, address, and ZIP Code in the space below.

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PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



RETURN
TO



Mrs. Roy Tennell
Secretary to the Director
Nelson Gallery-Art Museum
4525 Oak
K. C. Mo. 64111

- SENDER: Complete items 1 and 2.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- | | |
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| <input type="checkbox"/> Show to whom and date delivered..... | 15¢ |
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| <input type="checkbox"/> DELIVER ONLY TO ADDRESSEE and
show to whom and date delivered..... | 65¢ |
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show to whom, date, and address of
delivery | 85¢ |

2. ARTICLE ADDRESSED TO:

*Alex Lacy -
National Endowment for
the Humanities*

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
236563		

(Always obtain signature of addressee or agent)

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6. UNABLE TO DELIVER BECAUSE:

ADMINISTRATIVE SERVICES

CLERK'S
INITIALS

MEMORANDUM

June 12, 1975

To: Dr. N. Pickard
From: R. Martin *RTHM*
Subject: Gallery Observations
(your request)

cc: L. Sickman
G. Youngstrom
T. Coe
R. Taggart
M. Wilson
S. Songer

A full report is forthcoming relating to the impact of the exhibition. For now, here are a few observations which may be helpful to Society of Fellows and other gallery activities in their efforts. This memo is in answer to your request.

1. New acquaintances and re-acquaintances -- resulted in a dramatic way from the more than 289,000 visitors to the gallery (269,811 into the exhibition) during the period of April 20 - June 8 -- plus, from the incalculable numbers of persons who learned about the gallery via the news media (and from general word-of-mouth). In terms of sheer volume of potential gallery supporters, this is an opportunity on which to capitalize quickly before popular emotions run cooler.

2. A well-planned soliciting campaign may be in order, if it meshes with gallery policy. It seems to me that both selected publics (corporations, foundations, and the like) and the public-at-large are of the current mood to come to the financial support of the gallery if given the facts.

3. While the prevailing mood about the Nelson Gallery is certainly positive (perhaps at an all-time peak), there probably is some residual confusion to overcome relating to funding of the Chinese Exhibition versus gallery expenditures for same.

Specifically, there seems to be a sentiment that the gallery "made money" from the exhibition. (I've heard this enough times now that I've placed credence in the rumor.) The NEH funding topic has been bantered around in vague and general terms, to the point where many persons believe Uncle Sam picked up the entire tab. What is needed quickly is clarification of how this money was spent and how it relates to the total budget of the show. To me, this is priority number one as it relates to a solicitation program. You'll have an uphill battle all the way as long as people believe the gallery either made money or broke even on the exhibition.

(more)

RECOMMENDATIONS / 2-2-2

4. How to publicly position this money explanation requires careful handling. Once the facts are together, it is vital they be presented clearly to the audiences you seek. This can be done at two levels - via the broad media (esp. newspapers) and by means of direct approaches (letters, memos, advisories, speeches/talks, and the like) pin-pointed to those organizations and individuals you're after. This should not be a "puff piece" but rather a straight forward presentation of the credits-and-debits and how they were accounted for. Both the federal funding and gallery budget should be specified and earmarked so the audience is clear on the differences.

5. In addition to this suggested program, a close liaison among Society of Fellows, Friends of Art, and the Director - as matters relating to public information programs - is implicit and vital. An internal communications program which directs itself to merging all of the forces of the gallery and directing them towards the common goal "of raising money" is needed. This will result in continuity and again "a coordinated force" that brings to bear all of the virtues of the gallery and presents them clearly and honestly to entities which may be willing to give the money.

6. On a related topic, overcoming some of the misunderstanding and bad taste resulting from the Friends of Art opening on April 20 is needed. It's important people understand (1) that the gallery planned this event in good faith and made valiant attempts to get everybody in that evening (by keeping the gallery open as long as anybody was waiting), (2) that future events of such magnitude will be handled differently (this point is to affirm a belief that everybody is organized and is working efficiently in behalf of the gallery), and (3) that they personally and individually will benefit from their memberships. Then, having made these promises/commitments, it is vital to work in a coordinated fashion to make them happen over and over again. The worst possible thing that could happen is to repeat any of the mistakes of the past; this is one of the most deadly viruses to which organizations (regardless of their nature) will eventually succumb. Again, it's not enough that Society of Fellows has its thing or Friends of Art has its. A unified force - dedicated at least to sharing information and ideas.- can produce tremendous results. The Nelson Gallery-Atkins Museum must be the ultimate benefactor, not any single entity of it.

#####

M. Dickman

WILLIAM ROCKHILL NELSON GALLERY OF ART

The William Rockhill Nelson Trust

ATKINS MUSEUM OF FINE ARTS

4525 OAK STREET

KANSAS CITY, MISSOURI 64111

(816) 561-4000

June 26, 1975

Mr. Hsieh Ch'i-mei
The Liaison Office of the
People's Republic of China
2300 Connecticut Avenue NW
Washington, D. C. 20008

Dear Mr. Hsieh:

In the interest of avoiding further confusion and of reaching a fair and practical solution to the question of payment to the Chinese side for editorial services and use of materials, I should like to set in writing our understanding of this matter as it now stands.

- I. We have made no commitment to pay a royalty on the unillustrated catalog produced by the National Gallery. Any arrangement you made with the National Gallery for that institution to pay a royalty cannot be binding on the Nelson Gallery. Since the National Gallery would not presume to speak for the Nelson Gallery unless authorized and since you never discussed with us a royalty on their volume, you can well imagine my surprise at learning that such a royalty had been paid and that you expected us to follow suit without so much as a word of discussion.
- II. We have made no commitment to pay a royalty of 5% on the pictorial record we produced here. In our preliminary discussions about pictorial source material we were pressed to use your negatives and photographs, despite our contract with the London Times. There was at that time no intimation of a royalty or even flat fee. The question of a payment came up after we agreed to try to use as much of your photo material as possible. Thanks to uncommon technical finesse in the darkroom and on the art table, we were able to use a substantial number of your negatives and photographs. At those early stages, before the book had even gone to press and exact costs could hardly be predicted with accuracy, the question of a 5% royalty was always couched in terms of wish, feasibility, and possibility; never in terms of certainty, commitment and categorically conditional use. At no time was it stated or the impression given that we had committed ourselves to a binding, categorically conditional agreement to pay you 5%. I went away with the impression that you desired a 5% royalty, if feasible. Since no further discussions were held at later stages of production and cost estimate, the matter rests there.

Mr. Hsieh Ch'i-mei
Page 2

June 26, 1975

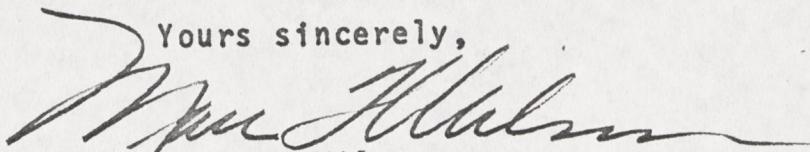
III. I find untenable the contention that the unillustrated catalog produced by the National Gallery and our pictorial record are really the same catalog, in two different parts. The unillustrated catalog pre-existed quite independently of both the picture book produced by the National Gallery and the pictorial record produced by us. It existed as a yellow pamphlet in Toronto and quite independently as the so-called "red volume" produced in Peking (?) in 1974 by The Organization Committee for Exhibitions of Archaeological Finds of the People's Republic of China, which is the source, as we know, of the unillustrated catalog.

IV. I should like to recall to you that during the early phases of negotiations about the exhibition we were forced to abandon the convenience of using the London/Toronto catalog and to come up with an alternative. As you might remember, we did inquire about the possibility of using the "red volume", but that was unfortunately not available. I think it can be conceded that our decision to produce yet another pictorial record reflects a number of aims and pressures, some which were by no means of our own creation.

We do, Mr. Hsieh, wish to re-imburse you for editorial costs involved with producing our pictorial record, and we recognize the importance of co-operation, which could be embodied in the payment of a flat sum or perhaps a percentage of the profit. I do hope that together we can evolve a solution which is both fair and practical.

I enclose for your information, should you wish to read it, a copy of a memorandum detailing the costs of our pictorial record.

Yours sincerely,


Marc F. Wilson
Curator of Oriental Art

MFW/d

Enclosure

bcc: Murray Zinoman
State Department

Laurence Sickman
Director
Nelson Gallery-Atkins Museum

The Chinese Exhibition

The Exhibition of Archaeological Finds of the People's Republic of China
The William Rockhill Nelson Gallery-Atkins Museum of Fine Arts
April 20th to June 8th, 1975

中华人民共和国出土文物展览

MEMORANDUM

TO: Laurence Sickman
FROM: Marc F. Wilson
SUBJECT: COST OF ILLUSTRATED CATALOGS

I. Numbers and distribution

HARDBOUND - available for delivery	3,850
SOFTBOUND - available for delivery	44,021
	<u>47,871</u>

PRESENTATION FOR FREE

SOFTBOUND - N.E.H.	1,550
Library exchange	50
Gift	17
	<u>1,617</u>

HARDBOUND - N.E.H.	12
Chinese Working Group	300
	<u>312</u>

AMOUNT REMAINING FOR SALE

SOFTBOUND	42,404	{ 92.3%
HARDBOUND	3,538	{ 7.7%
	<u>45,942</u>	

II. Costs

SALES COSTS

4 sales people/day @ 76.80/day X 50 days	\$3,480.00
1 sales person/day @ 19.20/day X 35 days	672.00

COPYRIGHT FEES

3,000.00

PHOTOGRAPHIC WORK

620.00
\$7,772.80

ARTWORK, PRINTING, BINDING

Softbound	\$156,274.55
Hardbound	21,175.00

PERCENTAGE ALLOCATED FIGURES

SOFTBOUND \$156,274.55 +(92.3% of \$7772.80)	\$7174.29 =	\$163,451.84
HARDBOUND \$ 21,175.00 +(7.7% of \$7772.80)	\$ 598.51 +	21,773.51
		<u>\$185,225.35</u>

Catalog costs
Page 2

COSTS PER VOLUME

Hardbound - \$ 21,773.51 / 3,538 =
Softbound - \$163,451.84 / 42,404 =

\$6.15/vol. {7.50 ret.}
\$3.85/vol. {4.00 ret.}

THEORETICAL PROFITS BASED ON FULL SALE

SOFTBOUND - (\$0.15 x 42,404)
HARDBOUND - (\$1.35 x 3,538)

\$ 6,360.60
4,776.30
\$11,136.90

Catalog Costs
page 3

N.E.H. PARTICIPATION

CREDIT - contribution toward catalog	\$25,000.00
Salaries of 4 sales personnel (max. chargeable)	<u>3,760.00</u>
	<u>\$28,760.00</u>

DEBIT

Softbound catalogs - 1,550 @ \$3.85	5,967.50
Hardbound catalogs - 12 @ 6.15	73.80
Postage and freight on catalogs	<u>808.00</u>
	<u>6,041.30</u>

TOTAL CATALOG PARTICIPATION

\$28,760.00
-6,041.30
<u>\$22,718.70</u>

% = \$22,718.70/185,225.35 TWELVE (12) PERCENT

THE LIAISON OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

August 7, 1975
Washington, D.C.

Mr. Laurence Sickman
Director
Nelson Gallery-Atkins Museum
4525 Oak Street
Kansas City, Missouri 64111

Dear Mr. Sickman,

Enclosed herewith is a copy of the letter dated June 26, 1975 from Mr. Marc Wilson to me.

As you will recall, when preparation was made for the Exhibition of Archaeological Finds of the People's Republic of China at your Museum, I discussed with you on two occasions the problem of printing a catalogue with more detailed description and an illustrated handlist. Mr. Marc Wilson and Mr. Chang Chih-hsiang (later Mr. Cha Pei-hsin) took part in the discussions. Your first idea was to print, in English translation, the text of the "Austrian catalogue". Later we found the text of that catalogue inaccurate and suggested that you follow the example of the National Gallery of Art in Washington, D.C. in reproducing the text of the catalogue specially published in Peking for the Exhibition and told you that the royalty involved in this case would be only 8% on the sale price. You readily accepted our suggestion and subsequently your Museum printed it.

As to the printing of an illustrated handlist, you planned at first to make use of photos from British sources. But the high fee involved and their inability to provide you with a suitable photo for each and every exhibit prevented your Museum from doing so. When we told you that we had photos of good quality for all exhibits and that the royalty involved would be as low as 5% on the sale price, you accepted our suggestion with pleasure and even remarked "It is very reasonable." As a result, the majority of photos and other graphic material in the Illustrated Handlist are from us.

In this connection, I would like to remind you that any request to use the text and the photos and other graphic material

Mr. Laurence Sickman
Page 2

from us contained in the above-mentioned two publications, for publication, commercial or advertising purposes should be referred to the Liaison Office of the People's Republic of China in Washington, D.C. which will consider whether permission should be granted.

It is clear that Mr. Marc Wilson denies the existence of any agreement because it is verbal. Such an attitude would only put your Museum in the untenable position of reproducing in your publications, without permission, the text of the "Peking catalogue" and a large number of photos and other graphic material, all of which belong to the Committee for the Organization of Exhibitions of Archaeological Finds of the People's Republic of China.

Mr. Marc Wilson perhaps does not quite understand the need of the future co-operation between your Museum and us, but I believe you will not let such a minor matter jeopardize our good relations with you. I believe that your Museum is as trustworthy as the National Gallery of Art and the Asian Art Museum of San Francisco, both of which have also co-operated with us in the course of our Exhibition in the United States. I do hope that your Museum will pay all the royalties as agreed upon.

With best regards,

Yours sincerely,

徐季美
Hsieh Chi-mei
Official (Counselor)

WILLIAM ROCKHILL NELSON GALLERY OF ART

The William Rockhill Nelson Trust

Office of
LAURENCE SICKMAN
DIRECTOR

ATKINS MUSEUM OF FINE ARTS

4525 OAK STREET

KANSAS CITY, MISSOURI 64111

(816) 561-4000

UNIVERSITY TRUSTEES:

MILTON McGREVEY
MENEFEE D. BLACKWELL
HERMAN R. SUTHERLAND

29th May, 1975

Dr. Fred L. King,
9 Mohawk Drive,
Kirksville, Missouri 63501

Dear Dr. King,

Your letter of May 19th addressed to the Chamber of Commerce has been brought to my attention.

You may be sure we all very much regret the distressing experience on visiting the Nelson Gallery for the purpose of seeing the Chinese Exhibition.

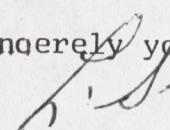
We have made every effort to accommodate as many visitors as possible and in the by and large, arrangements have caused no great inconvenience, but of course there are the invariable exceptions.

The installation area of the Exhibition can accommodate approximately 800 at a time, and it requires a minimum of one and a quarter to one and a half hours to go through the Exhibition. This means we can only let so many visitors in at a time. The day you were here, as on many other days, there was a waiting line inside the Gallery of over 1500 people. This meant that anyone who was not yet in the queue inside the building would have little or no opportunity of seeing the Exhibition before the Gallery had to be secured at 5 o'clock for security reasons. It seemed proper to inform the people not already in the queue inside that they would have no opportunity of going through the Exhibition on that day. I am extremely sorry that you and your wife had an unfortunate experience. I very much hope you will be able to visit the Nelson Gallery again during the time of the Exhibition.

We are enclosing herewith two tickets, and if you will have the receptionist at the front desk call my office, we will be glad to take you directly into the Exhibition, as certainly you have already waited long enough.

I hope you understand that in handling such unprecedented numbers of visitors we are making every effort to accommodate them, but there are limitations to our facilities.

Sincerely yours,


Laurence Sickman
Director

LS:jf

cc: Chamber of Commerce
Better Business Bureau

This letter is written in reply to the stipulations initiated by you during our meeting at the Liaison Office of the People's Republic of China on March 1, 1975 and subsequently re-iterated by telephone to Marc Wilson on March 10 and March 11, 1975.

Item 1 concerns invitations for the opening of the evening of April 19, 1975.

In reply to your stipulation that only local Consuls representing countries having diplomatic relations with The People's Republic of China be invited, we accede. It is our understanding that invitations to the opening dinner will be sent to such officials of your Liaison Office in Washington as you designate; to all members of The Committee for the Organization of Exhibitions of Archaeological Finds of the People's Republic of China; to the Ambassador of The People's Republic of China to the United Nations and to others of his staff whom you will designate; and to American dignitaries, including members of local, state, and federal government. Important patrons of the Nelson Gallery-Atkins Museum will also be invited. Lists of those to be invited have already been mailed to you.

A time schedule of and order of events at the dinner

Item 2 concerns media coverage of the exhibition during the day of April 19.

In reply to your stipulation that announcements of the availability of the exhibition to the news media be made only to local American media to the exclusion of ~~xxxxxx~~ foreign news media, with the exception of correspondents of New China News Agency, ~~whom~~ whose names and address you will provide us, we accede. It is our understanding moreover that photography will be permitted for news use only, and that cinema filming shall be limited to short intervals needed to ~~fmifmx~~ fulfill the demands of televised news coverage and shall not be allowed to reach feature film length. The ~~xxxi~~ social press will cover the opening ceremonies as a news event in itself.

Item 3 concerns the sequence of events of ~~Snd~~ Sunday, April 20.

Patrons of the Nelson Gallery-Atkins Museum; local, state, and federal government officials; members of the ~~xxmgazxx~~ various delegations and groups of the Chinese side; and special non-local guests invited to attend the opening on the preceding evening (April 19) will be invited to view the exhibiton from 10 a.m.-2 p.m.

WILLIAM ROCKHILL NELSON GALLERY OF ART

Office of
LAURENCE SICKMAN
DIRECTOR

The William Rockhill Nelson Trust
ATKINS MUSEUM OF FINE ARTS
4525 OAK STREET
KANSAS CITY, MISSOURI 64111
(816) 561-4000

UNIVERSITY TRUSTEES:
MILTON McGREEVY
MENESEE D. BLACKWELL
HERMAN R. SUTHERLAND

21st March, 1975

Mr. Hsieh Ch'i-mei,
The Liaison Office of the People's Republic of China,
2300 Connecticut Avenue, N.W.,
Washington, D.C. 20008

Dear Mr. Hsieh,

This letter is written in reply to the stipulations initiated by you during our meeting at the Liaison Office of the People's Republic of China on March 1st, and the subsequent telephone conversations you held with Marc Wilson on March 10th and 11th.

First, concerning the invitations to the preview opening on the evening of April 19th. We have, to the best of our ability followed your stipulation that only local consuls having diplomatic relations with the People's Republic of China will be invited, and we will certainly accede to this point. We have sent you a list of those invited to the opening dinner and because it was done by a new secretary there were a few errors in names and spellings, but these have been corrected and sent you. Invitations to the Committee for the Organization of Exhibitions of Archaeological Finds of the People's Republic of China are being sent directly by airmail to Peking. An invitation will be sent to the Ambassador to the United Nations of the People's Republic of China. I understand there may be other members of his staff to whom you may wish invitations sent, and as soon as we have their names this will be done. We will also, of course, wish to invite all the members of the Liaison Mission, including the Ambassador and yourself. You could either send us the names, or we could send you a number of invitations and you could arrange distribution there.

Within the near future a detailed time schedule and order of events for the dinner will be sent you. Hosts at the dinner will be my Trustees, and the invited guests attending the preview opening but not invited to dinner will be the members of the Society of Fellows and such other groups as the State Councils on the Humanities.

The second matter concerns the coverage of the Exhibition during the day of Saturday, April 19th. We will comply with your stipulation that announcements of the availability of the Exhibition to the news media be made only to American media in this region and also to the correspondents of the New China News Agency, and it would be helpful if you could supply us with their names and addresses. It is our understanding, moreover, that photography will be permitted for news use only, and that cinema film should be limited to short intervals needed

Mr. Hsieh Ch'i-mei

-2-

21st March, 1975

to fulfill the demands of televised news coverage and shall not be allowed to reach feature film length. The local social press will cover the opening ceremonies as a news event in itself.

Thirdly. Regarding the events planned for Sunday, April 20th, the Exhibition will be open from 10:00 to 2:00, and attendance will be limited to the Society of Fellows, local, State, and Federal government officials, members of the various delegations and groups of the Chinese side, and special non-local guests who have been invited to attend the opening on the preview evening. This arrangement will allow officials and other dignitaries to see the Exhibition more at their leisure than is possible during the ceremonies of the opening. Following this the Exhibition will be open to the general public from 2:00 until 6:00 pm. On Sunday evening, the 20th, the hours of 7:00 to 11:00 p.m. are reserved for the membership organization of the Nelson Gallery-Atkins Museum known as the Friends of Art. This will probably be covered as a social event by the local media.

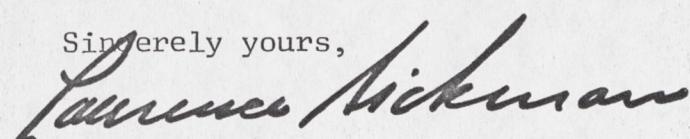
Your fourth concern was relative to the preparatory material for groups and organizations planning to visit the Exhibition. To these we will send such material as the slide program with script provided by the Chinese side, the unillustrated catalogue produced in Washington, the text of which was provided by the Chinese side; and the pictorial record of the Exhibition produced by the Nelson Gallery-Atkins Museum. It is very much hoped that the two archaeological films provided by the Chinese side may be available in 16 mm, as few if any educational and cultural institutions are equipped for the showing of films in 35mm.

Also we will comply with your stipulation that the Nelson Gallery-Atkins Museum will not offer guided tours of its own collection of Chinese art and artifacts.

The invitations are currently going into the mail and we would very much appreciate any suggestions you may give us as to those in the Liaison Mission or other officials who should be invited. These latter will, of course, be included in the dinner invitation as well as the general invitation for the preview opening.

Marc Wilson joins me in sending every good wish.

Sincerely yours,



Laurence Sickman
Director

LS:jf

Telephone conversation with Mr. Hsieh at 2 o'clock, Wednesday, March 12th, 1975.

Mr. Sickman told Mr. Hsieh the Trustees could not accede to his stipulations that our collections be closed, but that we might make alterations and adjustments in said collection. He said he would consult with his colleagues.

Mr. Sickman said we would send him the timetable. We are preparing a letter relating to the stipulations he made to Mr. Wilson by telephone on the 10th and the 11th of this month, that we are reprinting the brochure and using the date of June 7th.

Mr. Hsieh said that Mr. Wu and some of the curators would be here in the near future, and would undoubtedly be able to cause us other difficulties.

Mr. Sickman told Mr. Hsieh that 85% of the exhibition exhibited was not acquired in China, but in Europe, the United States, and Japan.

2

The exhibition will be opened to the general public from 2-6 p.m.

An exclusive opening for the sustaining membership organization of the Nelson Gallery-Atkins Museum, known as the Friends of Art, will be held from 7-11 p.m. The social press might accord this opening coverage as a news-worth event in itself.

for
Item 4 concerns preparatory material ~~xxxxxxxxxxxx~~ groups and organizations ~~planningxxxxxxxx~~ the exhibition.
visiting

In reply to your stipulation that audio visual material so used be limited solely and exclusively to the two archaeological films provided by the Chinese side; to the slide program with script provided by the Chinese side; to the ~~xxxxxxxx~~ unillustrated catalog produced in Washington, the ~~xxx~~ text of which ~~xxxx~~ is provided by the Chinese side; and to the illustrated records produced by the Nelson Gallery-Atkins Museum, we accede. ~~in
xxxxxxxx~~

stipulation

In reply to your demand that while the exhibition is on view in Kansas City, the Nelson Gallery-Atkins Museum refrain from sending out lecturers to interpret or discuss the exhibition or objects in it, we accede.

In reply to your stipulation that the Nelson Gallery-Atkins Museum abandon its plan of offering guided tours of its own collection of Chinese art and artifacts, we accede.

*members of
its staff to lecture
about the to explain or
discuss the exhibition*

Budget AT

WILLIAM ROCKHILL NELSON GALLERY OF ART

Office of
LAURENCE SICKMAN
DIRECTOR

The William Rockhill Nelson Trust
ATKINS MUSEUM OF FINE ARTS
4525 OAK STREET
KANSAS CITY, MISSOURI 64111
(816) 561-4000

UNIVERSITY TRUSTEES:
MILTON McGREEVY
MENESEE D. BLACKWELL
HERMAN R. SUTHERLAND

10th March, 1975

Timothy Parks, Esq.,
Museums and Historical
Organizations Program,
National Endowment for the Humanities,
Washington, D.C. 20506

Dear Mr. Parks,

I have delayed answering your letter of February 19th until the distressing matter of our poster was resolved.

The only possible explanation for our omission was that we were trying to keep the poster as simple as possible. They have now been overprinted, and I am sending you separately a number of copies which can be substituted for those sent you earlier.

The Endowment will, of course, be mentioned in our announcement brochure, the pictorial record catalogue, and all other materials printed for the exhibition. The acknowledgement to the Endowment does not, however, appear on our invitations for our opening on April 19th, but acknowledgement to the Endowment is given on the return acceptance or regrets card.

I did have the pleasure of attending the opening at the Metropolitan and noticed in particular the impressive sign over the entrance to the exhibition. Similar credit will be given in our own installations.

It was a great pleasure for us to see you in Kansas City, and I must tell you at once how much we appreciate your consideration in stopping to help us with rather complex matters.

Mr. Wilson joins me in sending every good wish.

Sincerely yours,

Laurence Sickman
Director

LS:jf

NATIONAL ENDOWMENT FOR THE HUMANITIES



WASHINGTON, D.C. 20506

February 19, 1975

Mr. Laurence Sickman
Director
Nelson Gallery of Art & Atkins
Museum of Fine Arts
4525 Oak Street
Kansas City, Missouri 64111

Dear Mr. Sickman:

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I understand you will be in Washington soon and feel certain we can resolve this problem quickly. I did want to emphasize

the importance of Endowment acknowledgement, particularly as it relates to the catalogue and posters.

Once again, my thanks for your time last week and do feel free to contact us if we can be of any assistance.

Sincerely,

Timothy Parks
Timothy Parks
Museums and Historical
Organizations Program

cc: Marc Wilson

WILLIAM ROCKHILL NELSON GALLERY OF ART

The William Rockhill Nelson Trust

Office of
LAURENCE SICKMAN
DIRECTOR

ATKINS MUSEUM OF FINE ARTS
4525 OAK STREET
KANSAS CITY, MISSOURI 64111
(816) 561-4000

UNIVERSITY TRUSTEES:
MILTON McGREEVY
MENESEE D. BLACKWELL
HERMAN R. SUTHERLAND

5th March, 1975

Alex Lacy, Esq.,
Director of Public Programs,
National Endowment for the Humanities,
806 15th Street N.W.,
Washington, D.C. 20506

CONFIDENTIAL

Dear Alex,

Pursuant of our luncheon conversations on Saturday I am sending you a brief summary of our conversations with Mr. Hsieh. Much more, of course, was said, but I hope this memorandum may give accurately the basic substance.

We are willing to go along with Mr. Hsieh as far as possible and make every reasonable, and even some unreasonable concessions. Be assured we do not wish to add any problems to this already over complex affair.

The matter of closing our own collections for the duration of the Chinese exhibition does, however, raise a very special kind of problem. It seems to me it introduces a powerful element of political thought and Chinese national ideology of a kind that happily has so far been kept to a minimum, limited to the material accompanying the exhibition itself.

Early in November of 1974 Marc Wilson, in a conversation with Mr. Hsieh in Washington, told him our own collections would be open and tours would be given. Mr. Hsieh acquiesced, and, moreover, at no time when officials of the PRC were escorted through our collections here was there the slightest suggestion that our galleries of Chinese art be closed.

It is evident that a complete change of policy has come about very recently, indicating a new intransigence regarding political and ideological differences between our two countries.

In seeking a reason for this, it has occurred to me that an article in the September 28, 1974 Toronto Globe and Mail (copy enclosed) may be a contributing factor. Mr. Hsieh repeatedly spoke of "embarrassment of the Chinese curators;" if they were queried about the collection here they would "be forced to tell the truth" - that all Chinese objects are the property of the Chinese people.

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Alex Lacy, Esq.

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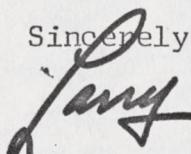
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Does this very recent stipulation, or demand, originate with the Liaison Mission in Washington or does it come from Peking?

In any event we at the Gallery and my Trustees believe the matter is of such jurisdictional importance and perhaps so far reaching in ultimate effect (for example the reaction of our national press) that we need professional and authoritative guidance.

Marc Wilson joins me in sending every good wish.

Sincerely yours,



Laurence Sickman
Director

LS:jf

Enc.

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The William Rockhill Nelson Trust

Office of
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DIRECTOR

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UNIVERSITY TRUSTEES:
MILTON McGREEVY
MENESEE D. BLACKWELL
HERMAN R. SUTHERLAND

5th March, 1975

Murray Zinoman, Esq.,
China Program Officer,
Office of East Asian and Pacific Programs,
Bureau of Educational & Cultural Affairs,
Department of State,
2201 C Street N.W.,
Washington, D.C. 20520

CONFIDENTIAL

Dear Murray,

Unfortunately, since I was leaving Washington in mid-afternoon on Saturday, I did not have an opportunity to discuss with you the details of the conversation Marc and I had with Mr. Hsieh on Saturday morning.

I am now sending you a memorandum which, I hope, covers the main points.

The most important by far is the stipulation that our own Chinese collections be closed for the duration of the Exhibition. Mr. Hsieh's rationale for this startling demand was that should any visitor ask the curators with the Exhibition for their reaction to so much Chinese art being here, it would cause them deep embarrassment to have to say of course, all such objects in fact belong to the Chinese people. I assured him that any such occurrence would cause no embarrassment to us.

I did have a brief opportunity to discuss with Alex Lacy our Liaison Mission conversation when Marc and I lunched with him on Saturday and so am also sending him a copy of this memorandum.

On Monday I presented the whole matter to my Trustees. They are perfectly willing to cooperate with the Chinese in every way. It was their belief, however, that a jurisdictional decision of this kind on a matter arising from the different political and ideological principals of our two countries is a matter difficult for them to determine without experienced and authoritative guidance. The effects might be far-reaching as, for example, the reaction of our national press and other media. It would be extremely hard for us, if not impossible, to explain why our collections are not on view without referring the whole affair to the Washington Liaison office, with possibly regrettable results.

It gives me no pleasure to drop this on you and others in Washington but I really am in need of guidance on such far-reaching policy decisions.

Every good wish.

Sincerely yours,

Laurence Sickman
Director

LS:jf
Enc.

CONFIDENTIAL

4th March, 1975

Memorandum

Subject: Conversation between Mr. Hsieh of the People's Republic of China Mission in Washington, and representatives of the Nelson Gallery, Kansas City, Saturday, 1st March, 1975, from 9:30 to 11:30 am.

Present: Mr. Hsieh Ch'i-mei, Mr. Chia Ting-hai, and Mr. Wu Chung-jen, Laurence Sickman, and Marc Wilson.

I

The preliminary discussion concerned details of the preview opening scheduled for the evening of 19th April. (A detailed plan with hours and guest lists will be forwarded you shortly).

Laurence Sickman requested Hsieh to kindly supply him with a list of all those who should be invited for dinner and those for the following reception, Hsieh said he would prepare such a list and that it would include certain of their officials accredited to the United Nations.

Regarding a press preview planned for Saturday morning, 19th April, Sickman stated no specific invitations would be sent out but rather our standard notice to local media and local representatives of U.P. and A.P. Hsieh raised no objection and stated that photography inside the exhibition would be permitted provided hot lights were not concentrated on specific objects.

Hsieh requested that among local consular personnel only those be invited who represented countries maintaining diplomatic representation with the PRC. We agreed.

II

Mr. Hsieh then turned to a consideration of the Nelson Gallery printed brochure announcing the exhibition and containing various kinds of information. Certain features and paragraphs, particularly those relative to education, in this notice were based, generally, on that distributed by the ROM and to which, we gathered, the Chinese had

expressed no objections. A copy of the Nelson Gallery announcement and a xerox of the Toronto announcement are enclosed.

Mr. Hsieh forcefully expressed a number of objections:

1. In the opening statement Hsieh requested we strike out "final showing in the Western world... It will then return to Peking." This statement reflects the information we had at the time. We readily consented to do this in light of more recent developments.

2. It also develops that a serious error has come about, probably originating in our early discussions with the National Gallery and others at an early stage of the planning. This error is the closing date of the exhibition in Kansas City. Since 8th June is a Sunday, it appears we assumed the exhibition would continue through the weekend, especially since none of our packers or installation personnel will be on duty on Sunday. The above matter was not in the Saturday discussion, but this morning (3rd March) we received a telephone call from Mr. Li of the Chinese Curatorial group, speaking for Mr. Hsieh and calling it to our attention that in a letter of October 28th, 1974, from His Excellency Yu Chan to Mr. George Bush, the closing date for Kansas City is June 7th, 1975. I am confident that had it been realized at the time that June 7th is a Saturday, there would have been no difficulty in extending the exhibition through Sunday the 8th.

3. The next objection voiced by Mr. Hsieh was over the paragraph headed "Preparatory Programs for Groups and Organizations." When asked what comprised these proposed programs, we told him we had planned to have available several competent speakers to give illustrated talks on the exhibition to clubs, schools, libraries, etc. throughout the large area we expect to serve. This program would be especially active in the State of Missouri where a series of lectures is financed by the States Arts Council.

Mr. Hsieh stated categorically that any such program was out of the question. A rather lengthy discussion followed in which we cited the lecture programs permitted in Toronto as well as in Washington, for example those given by Dr. Thomas Lawton of the Freer Gallery, and the great potential offered by the exhibition for increasing American knowledge about China. In an attempt to reach a compromise and save the lecture program, we proposed that the lectures could be tailored in such a way that they would in detail and explicitly follow the text provided by The Organization Committee of The Exhibition of Archaeological Finds of The People's Republic of China and sold at the National Gallery. All this to no effect since Mr. Hsieh maintained his stand that no lectures by associates of the Gallery should be given in or out of the Gallery. Mr. Hsieh agreed that preparatory material might be sent out but it could consist only of the slide illustrated tape prepared by the Chinese together with the two archaeological films currently being shown at the National Gallery. It was pointed out that any wide circulation of the latter would depend upon the two films being reduced from 35mm. to 16mm.

III

By far the most remarkable and far-reaching stipulation from Mr. Hsieh developed in relation to the paragraph in our notice head "Introduction to Traditional China." It was explained that this program simply referred to our regular tours of our own collection conducted by highly trained docents. (See comparable program announced in the Toronto notice). Mr. Hsieh then stated explicitly that not only was such a program out of the question, but that, moreover, it would be necessary to close off the Nelson Gallery Chinese collections for the duration of the exhibition.

IV

In the rather prolonged discussion initiated by this demand, here-

tofore not so much as mentioned, it was pointed out that no such request had been made in Toronto, with its somewhat larger collection, but since the Nelson collection enjoys a certain reputation, many scholars and students visiting Kansas City for the first time, would naturally expect to see it. The difficulty of explaining such a curious arrangement was emphasized as well as the strong possibility of unfavorable reaction from the media - a reaction that might well offset much of the good the exhibition has accomplished toward "promoting understanding and friendship between the Chinese and American People."

Mr. Hsieh's reply was that the Canadian arrangements were irrelevant and that matters relating to the press should be put aside. It finally seemed evident that he wished our collections closed to avoid embarrassment to the Chinese curators attached to the exhibition. This embarrassment would arise, he said, if some visitor asked a Chinese curator what was his reaction to seeing so much Chinese art outside his country. To this his reply would have to be that all such objects were in fact the property of the Chinese people.

In short, Sickman and Wilson came to the conclusion that because of ideological differences and conflicting concepts of history, only Chinese are qualified to speak on Chinese art and archaeology, and that Chinese objects of art and archaeological value in Western collections are in basic fact the property of the Chinese people who made them. It appears that both the rejection of the lecture series as well as the demand that the Nelson Gallery close its own collection derives from an affirmation of the total Chinese jurisdiction over Chinese works of art and cultural objects.

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These developments are, of course, quite new, have not obtained in other cities and would markedly curtail the effectiveness of the exhibi-

tion here.

Had the stipulation that the Nelson Gallery collections be closed been based on a desire to concentrate public attention on the exhibition from the PRC, with other distractions, it would still be remarkable but at least understandable. However it certainly appeared to be based purely on ideological and conceptual grounds.

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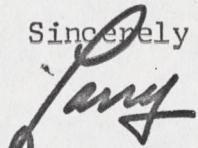
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NATIONAL ENDOWMENT FOR THE HUMANITIES



WASHINGTON, D.C. 20506

February 19, 1975

Mr. Laurence Sickman
Director
Nelson Gallery of Art & Atkins
Museum of Fine Arts
4525 Oak Street
Kansas City, Missouri 64111

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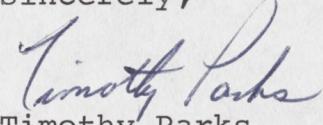
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Sincerely,



Timothy Parks
Museums and Historical
Organizations Program

cc: Marc Wilson

The "21 Demands"

Item 1 concerns invitation lists. Mr. Hsieh demands that the only foreigners to be invited to the opening be consuls representing countries having diplomatic relations with The People's Republic of China. Americans may be local or non-local. Mr. Hsieh demands that invitations be sent to the Liaison Office. He did not specify which members of the Liaison Office are to be invited.

Item 2 concerns the news media on April 19. It was made clear to Mr. Hsieh that no news media would be formally invited to view the exhibition. Mr. Hsieh demands that the announcement of the availability of the exhibition to the media be made only to local news media and to correspondents of New China News Agency. Mr. Hsieh insists that photography, especially filming, be limited to satisfying the demands of news coverage and preclude the possibility of anyone using the opportunity to produce a feature film.

Item 3 concerns the activities of April 20. Mr. Hsieh wishes to have an outline of the activities of that day.

Item 4 concerns preparatory and educational programs. Mr. Hsieh demands that preparatory programs consist ~~maxx and xx in xx~~ of material prepared ~~xxx~~ or approved by Chinese side. This shall include the text catalog produced in Washington, two films provided by the Chinese side and the slide and script program provided by the Chinese side. ~~Maxx~~ This pertains to in house application as well as to extra-mural educational efforts everywhere. Mr. Hsieh demands that ~~they~~ we promise ~~not~~ to send ~~xxxxxx~~ lecturers around to ~~xx~~ speak on the exhibition. An odd point was that it ~~maxx~~ made no difference even if the Chinese prepared the script. The point seems to be that only the Chinese have the right to interpret Chinese art, culture and history. Mr. Hsieh interprets submission of publicity materials to the Chinese side to mean right of censorship. Although we do not interpret it that way, ~~it~~ ~~xxxxxx~~ practically, he has exercised censorship and right of re-write over ~~them~~ our publicity material. Needless to say, this makes educational effort ~~maxx~~ doubly difficult, if not downright impossible.

Hallway

Visit of Chinese delegation Dec 18-20, 1974

COMMITTEE ON SCHOLARLY COMMUNICATION WITH
THE PEOPLE'S REPUBLIC OF CHINA

AMERICAN COUNCIL OF LEARNED SOCIETIES

NATIONAL ACADEMY OF SCIENCES

SOCIAL SCIENCE RESEARCH COUNCIL

Address:

NATIONAL ACADEMY OF SCIENCES
2101 CONSTITUTION AVENUE
WASHINGTON, D.C. 20418

202 389 6683
(Denise Emery)
Anne Keatley

TRAVELING PARTY

Peoples Republic

ARCHEOLOGICAL EXHIBITION DELEGATION

from the

PEOPLE'S REPUBLIC OF CHINA

Members of the Delegation:

LIU Yang-ch'iao

LIU Chiu-an

CHIN Ch'ung-ch'i

CH'EN Tzu-te

CHAO T'ing-hai

From the Liaison Office:

HSIEH Ch'i'mei

CHA Pei-hsin

From the Committee on Scholarly Communication with the People's Republic
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Patrick Maddox

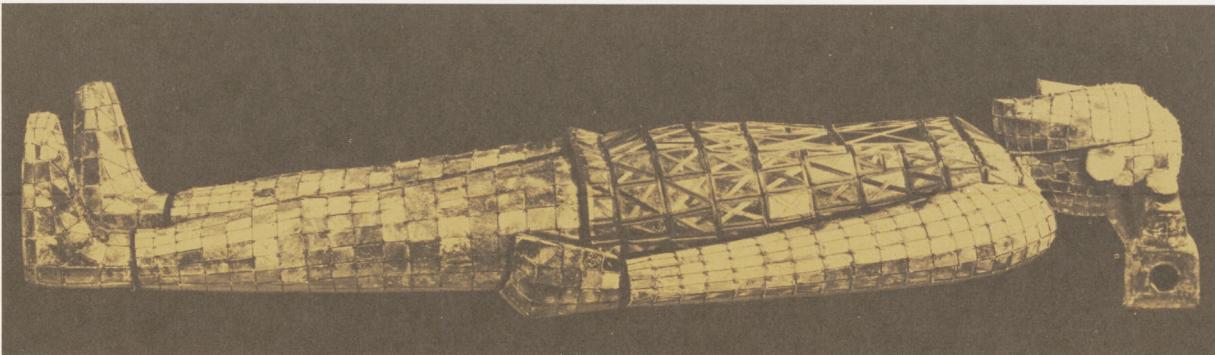
Linda Maddox

From the Department of State:

Robert Arthur

Scott Tripp

THE MOST EXCITING EXHIBITION THAT'S EVER BEEN SEEN IN NORTH AMERICA. DON'T MISS IT.



Jade funeral suit of the princess Tou Wan: Late 2nd century B.C. Length 5 ft. 7 3/4 ins.



Two parcel-gilt bronze figures of leopards inlaid with silver and gems: Late 2nd century B.C. Height 1 1/2 ins.



Stele of white marble representing Buddha between his attendants: A.D. 550–577. Height 2 ft. 4 1/2 ins.



Bronze monster mask and ring: 5th century B.C. Height 1 ft. 5 1/2 ins.



Pottery figure of a seated woman: 221–207 B.C. Height 2 ft. 1 1/2 ins.



Bronze figure of a flying horse: 2nd century A.D. Height 9 1/4 ins. Length 1 ft. 5 1/4 ins.

'THE' CHINESE EXHIBITION



The Exhibition of Archaeological Finds of the People's Republic of China.

Aug. 8–Nov. 16
ROYAL ONTARIO MUSEUM
TORONTO, ONTARIO

Incredible.

The Chinese Exhibition is great entertainment for everyone.

You'll marvel at the 1800 year old flying horse. He's fashioned magnificently from bronze, and seems to pace through the air on the wings of a swallow.

You'll wonder at the strange and mysterious 2100 year old jade suit. It held princess Tou Wan in its magical power with an unfulfilled promise of eternal life. It is fashioned from 2160 tablets

of rare jade threaded together with fine gold wire. It's astonishingly beautiful.

You'll see the little leopards. Exquisite miniatures inlaid with silver and gems. They were entombed with princess Tou Wan 21 centuries ago.

And you'll stand before ancient Wu-shih, a 1200 year old warrior

king whose task it was to terrify evil spirits. Triumphant he tramples a cowering demon underfoot.

They're coming to the Royal Ontario Museum. Part of a spectacular exhibition of 385 rare ancient Chinese treasures, on loan from the People's Republic of China.

It's never been seen before in the Western Hemisphere. You may never be able to see it again.

Imagine.

Half a million years of thrilling ancient Chinese history that spans the ages between Peking man and Kublai Khan has come to Canada. And it will be on display for just 14 weeks at the Royal Ontario Museum in Toronto.

It's a once-in-a-lifetime chance.

Don't miss it.

The Exhibition of
Archaeological Finds
of the People's Republic
of China.



EXHIBITION CHINESE THE

OPENING HOURS

Monday – Saturday 10 am. – 10 pm.

Sunday 12 noon – 10 pm.

Last admission one hour before closing time.

ADMISSION

Adults \$2.50

Accompanied Children \$1.00

Students* Senior Citizens* \$1.00

Advance Booking \$4.50

*Identification must be shown.

ADVANCE BOOKING BY MAIL

To ease the problem of line-ups for visitors, particularly those from out of town, advance tickets may be obtained by mail. These tickets permit immediate entrance and will be issued in limited numbers for use during the normal opening period between these hours:

Tuesday, Wednesday, Thursday 10:30 – 11:15 am. or 11:15 am. – 12 noon or 4:00 – 5:00 pm. or 5:00 – 6:00 pm.

Saturday, Sunday, Monday 7:30 – 8:15 pm. or 8:15 – 9:00 pm.

Advance booking tickets cost \$4.50 (Canadian or U.S.). They are good for single entry at a specific time and date only, and are non-refundable. See order form. Sorry, no telephone bookings can be accepted.

INTRODUCTION TO CHINA

The ROM Members' Committee has organized programmes of ROM's own famous Chinese collection. These programmes will acquaint the visitor with Chinese cultural history and thus enlarge appreciation of The Chinese Exhibition. Each programme will accommodate a maximum of 30 persons and last approximately 45 minutes. The cost is \$1.00 per person and the times are as follows:

*Monday to Friday: 11:00 a.m. and 1:00 p.m.

Tuesday to Friday: 7:30 p.m.

(Except September 2 and October 14)

Groups may book at other times by prior arrangement. Please make requests on order form. This programme is also offered in the French language.

GROUP TOURS

Groups can take advantage of advance booking tickets to gain immediate entrance to the exhibition. For further information please write: Information Services, Royal Ontario Museum.

SCHOOL TOURS

Special arrangements to welcome school groups have been made on Mondays. To prepare students for their visit, a visual aids teaching kit is available for \$10. Interested teachers please write: Education Department, Royal Ontario Museum.

CATALOGUE

A descriptive catalogue containing colour plates and black and white photographs will be on sale for \$4.50. Mail orders will be accepted at \$5.50 which includes postage and handling. Please make cheques payable to CEC – ROM and address to Information Services.

EXHIBITION SALES AREA

Postcards, colour slides, books, posters, replicas, jewellery and other items associated with the Chinese Exhibition will be on sale.

CHECKING

These facilities are provided in the lower Rotunda of the museum. Visitors may enter The Exhibition carrying only a normal purse and catalogue. The museum reserves the right to examine such purses.

PHOTOGRAPHY

We regret that no photography is allowed within the exhibition.

TRANSPORTATION

The Museum is centrally located at Avenue Road and Bloor Street and is well served by public transportation:

Subway: Danforth-Bloor line – St. George Station (Bedford Rd. Exit) or Bay Station (Cumberland St. Exit).

Yonge-University line: – Museum Station.

Please note that the University Avenue section of this line closes at 9:30 pm. each day and is closed all day Sunday.

Buses: Avenue Road route, Number 5, 5A and 5B.

The Museum does not have parking facilities but many public parking lots are located nearby.

ADVANCE BOOKING ORDER FORM

Please complete details below, detach and send to Advance Booking, Exhibition Programme, Royal Ontario Museum, 100 Queen's Park, Toronto M5S 2C6, Canada, together with a

cheque or money order payable to: CEC – ROM. Please write your name and address on back of cheque. Reservations must be made at least three weeks in advance.

NAME OF PERSON/ORGANIZER: _____

ORGANIZATION: _____

ADDRESS: _____

POSTAL CODE: _____

TELEPHONE: _____

DATE: 1st choice: _____

2nd choice: _____

TIME: 1st choice: _____

2nd choice: _____

NO. OF TICKETS at \$4.50 each: _____

TOTAL: \$ _____

INTRODUCTION TO CHINA: If your group wishes to make arrangements for this programme, please complete the following details:

DATE: 1st choice: _____ 2nd choice: _____

TIME: 1st choice: _____ 2nd choice: _____

NO. OF TICKETS at \$1.00 each: _____ TOTAL: \$ _____

Please make cheque payable to CEC – ROM

An art export law to protect treasures both stolen and native

BY DUNCAN CAMERON

THE LADY IN the line-up at the Chinese Exhibition had been doing some homework. She had studied the catalogue, read about the ROM's history and its own Chinese collection, and she'd come all the way from Baltimore. She was chatty.

Finally, she asked the question.

"Now that the Chinese have been so gracious, shouldn't the ROM give China back all the art treasures it stole years ago?"

It is not the first time that someone has raised the question of giving back Chinese treasures at the Royal Ontario Museum. The fact is that almost all of the world's great museums have been facing either suggestions or demands that great works of art be returned to their country of origin. So, perhaps it is time to answer the lady from Baltimore.

The answer, of course, is "No." Explaining the answer is more complicated.

The best way to start is by recognizing that the world's great museums are the results of war, plunder and looting, grave-robbing, bribery, smuggling, the seizing of works of art and monuments in conquered countries and colonies, as well as the more acceptable means of acquisition. It is only in very recent times that the idea of the spoils of war, for example, has been thought immoral, or that "finderskeepers" has ceased to be the ethic of archeology.

The contemporary view is that all people have a right to their cultural heritage and that no conqueror, colonizer, or avaricious individual has the right to rob them of that heritage. The contemporary morals do not, however,

lead sensibly to the restitution of the great art held in public museums to the countries from which it came. It would be easy to argue that it simply isn't practical, but there is a better reason.

The most significant value of museums of art and archeology is that they introduce us not only to our own culture and past but to other cultures, and thereby the values, of other civilizations. It is for this reason that the preamble to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, (1970) reads:

"...that the interchange of cultural property among nations for scientific, cultural and educational purposes increases the knowledge of the civilization of man, enriches the cultural life of all peoples and inspires mutual respect and appreciation among nations."

Agreed, the "interchange" of cultural property among nations has been by means we now denounce, but in our shrinking world we need the "mutual respect and appreciation" more than ever.

It is admittedly a peculiar argument, making present virtue out of past sins.

In Mexico City, a few weeks ago, this difficult question of the restitution of works of art was discussed in a different context. I joined museum leaders from Peru, Cuba, England, Mexico and the United States in a television debate on the subject. Mexico is still faced with the problem of smuggling and the looting of archeological sites is big business

today. Mexico faces no problem of giving back art works acquired by questionable means but rather the problem of getting back what has been stolen and of protecting what is still there.

It is interesting, in the face of this, that Dr. Ignacio Bernal, director of Mexico's National Museum of Anthropology, did not argue that foreign countries should send back to Mexico all the works of art removed years ago. In fact, all of the experts on the panel agreed that only works of art or historical objects of truly significant value to a country's history and heritage should be returned. The importance of international art collections to "mutual respect and appreciation among nations" was unquestioned. The best means to stop looting and smuggling now was more controversial.

Mexico, like most countries rich in archeological sites, has rigid laws controlling excavation and the export of art and archeological specimens. There is a treaty between Mexico and the United States under which the United States bans illegal importation from Mexico and American authorities have recently begun prosecuting smugglers. In spite of this, Dillon S. Ripley, secretary of the Smithsonian Institution, agreed that the illegal art traffic today is still greater than the legal movement of objects. He added that the dealers and buyers who support the illegal market should be "hung, quartered and drawn," but he wasn't sure that tough laws were really a solution.

Ripley, like many others in the museum world, felt that antiquities laws may be less effective in stopping smuggling than an open market. The laissez-faire proponents do not suggest that there should be no controls. They support the principle of protecting archeological sites and of a country prohibiting export of objects important to its heritage. They argue, however, that the kinds of restrictive laws enacted by many countries in Latin America, the Mediterranean, the Middle East and Africa, actually encourage smuggling. On the one hand, they say, these laws cannot be enforced, and on the other, they drastically reduce the supply of even second rate objects on the market, thus inflating prices and making smuggling worth while.

Some art export laws in countries rich in archeological sites have created a situation where vast stores of art are piling up in museum basements and warehouses. These collections are needed and wanted elsewhere while the scholars and museums in the country of origin often lack the resources to either study or exhibit the material. In countries where museum officials and customs officers are very poorly paid, the temptations can be overwhelming.

One solution, proposed many times by museum professionals, is the creation of a world art pool, possibly administered by UNESCO. Such a pool would enable nations to participate in exchanges which would increase international art collections in all countries, would rescue museums from the outrageously inflated commercial antiquities market, and would thus reduce the appeal of smuggling.

All of this should be of special interest to Canadians at the present time. Canada is about to have its own heritage export control law and in the not too distant future may sign the UNESCO Convention or make special treaties on the control of cultural property with other countries.

Canada's position, of course, cannot be compared with that of Mexico or, in contrast, with that of Britain. The have-not countries, like Mexico, were never conquerors or colonial powers and had no opportunity to bring home the spoils of war.

By contrast, the great collections in Britain, and most notably in the British Museum, are a record of exploration, imperialism and conquest.

Canada does not have archeological sites that yield valuable treasures. There is no hoard of Canadian material that the world's museums hunger for. The Canadian problem is to



Dogs of Fu at the ROM were bought from the Italians after they were acquired during the Boxer Rebellion.

protect the fragile and meager evidence of its prehistoric past, to save the evidence of the cultures of its native peoples, and to preserve in Canada the works of art and historic materials that have accumulated during its short history. Whether the forthcoming legislation will best solve the problem may be controversial.

The promise to give Canada a law to protect its heritage goes back a long way but to my knowledge, Gerard Pelletier, as Secretary of State, was the first Cabinet minister to take action on it. Last January Secretary of State Hugh Faulkner announced that he would introduce a heritage control bill, and his office now says that the bill will be put before the House this fall "at the earliest opportunity."

The declared purpose of the legislation is to prevent Canadian heritage from being sold out of the country and to make Canadians "think heritage," as one federal official put it. The proposed bill would seem to have wider implications. Not only will it stop materials deemed to be of importance to Canada from leaving the country, it will also open the way for Canada's signing of the UNESCO Convention. This would mean that Canada would recognize the antiquities laws of other signatory countries and impose import restrictions. The bill will also allow for the "re-Canadianization" of Canadians brought back to this country and will "Canadianize" foreign art, artifacts, historic materials and so forth (such as the ROM's Chinese collection), that have been here for some time. Here is how it will work.

If a private owner, dealer or museum wants to export something that is in the heritage categories set out in the bill, and if the value is above a set limit, probably \$2,500, then an export permit is required. If the customs officer who is asked for the permit finds that the material may be of sufficient esthetic value, historic value, or is of importance to the study of history, the arts or sciences, then he will call in a local, non-government expert—probably a museum director, curator or scholar near the border point where the permit is requested. If the expert agrees that the material comes under the Act, then the permit is denied. Now the owner cannot export and must sell in Canada, but the conditions are more than fair.

First of all an appeal can be made to a review board in Ottawa. If the board upholds the denial then it will establish a delay period, probably 90

days, during which there must be a Canadian purchaser or a permit will be given. The federal Government, under the Act, will set up an emergency purchase fund and these monies can be used for an outright grant to a Canadian institution for a purchase, or for a loan to an institution. Furthermore, the fair market price will be deemed to be either any firm offer to purchase which the owner had when applied for the permit, or an expert evaluation obtained by the review board.

(It is the hope of the federal Government that the provinces will also set up purchase funds, and it should be mentioned that there has been extensive consultation with all the provinces throughout the preparation of the Act. A senior Government official said that all provinces and the department of the Secretary of State were in accord.)

There are incentives built into the Act to encourage the co-operation of collectors, dealers and others. The most important of these is the waiving of capital gains tax when an owner is forced to sell in Canada after an export permit has been denied. In other words, if you want to sell your priceless Canadiana and you have an offer of \$100,000 from a New York dealer, you will hope to be forced into a Canadian sale. That way you will make more money and your Canadiana will stay here.

The Act is based, in many ways, on the French and British laws. For example, the Waverley Rules in Britain make any important material that has been in the country for 50 years a part of the national heritage regardless of the country of origin. The Canadian rules are expected to be 35 and not 50 years and the Act will also rule that it takes 35 years to "re-Canadianize" Canadiana that comes back into the country. This is designed to encourage the return of Canadiana by leaving it free of the Act's restrictions for some time after its repatriation. Other sections of the Export Control Act will provide for the protection of archeological sites including underwater sites and such attractive hunting grounds as shipwrecks, old forts and settlements.

All in all, Faulkner's bill, as unofficially and somewhat speculatively described here, should be a real step forward in protecting Canada's heritage. Loud cheers should be heard from scholars, historians, the museum profession and Canadians generally. There are, of course, some problems.

First of all, the Act and its precise contents are still secret. The Office of the Secretary of State allows that the description given here is "remarkably accurate," but all the questions are not answered. Although Faulkner has said that his bill "will contain no hint of expropriation" there are some who remain suspicious. One well known art collector in the mid-west is said to have moved his collection out of Canada into the United States in apprehension. Government officials admit that it will take some time after the Act is passed to set up the machinery and one wonders how many collectors will try to beat the deadline. Such actions, aside from being distasteful un-Canadian, seem imprudent since the Act, with its tax concessions, favors the Canadian collector or dealer.

Another problem surrounds the setting of a dollar limit on export controlled by the Act. If the rule is that objects or materials with a value of less than, say, \$2,500 are not covered, then most archeological specimens, scientific specimens and much historical material remains free to be exported regardless of the importance to research or heritage. Much of the material in need of protection has no market or dollar value at all. For example, if bulk shipments of potsherds and flints taken from Ontario Indian village sites are allowed to be exported because the dollar value is minimal, then enforcing the protection of the sites becomes impossible.

Finally, in the museum world especially, there will be serious concern about the availability of the experts, at or near border points, to advise customs officers. Similarly there will be questions about the "expert evaluations" to be obtained by the review board. Expert opinion and expert evaluations can be questioned and one wonders if controversies over expertise will wear a path to the courts.

Faulkner will probably have answers to these questions and others when the Export Control Act comes into Parliament for debate. In a matter of weeks we will have those answers and even if the Act has imperfections, Canada will have joined the company of nations who have taken positive steps to preserve the heritage of its peoples. And incidentally, when the Act is passed, the ROM's Chinese collection will be, in law, a non-exportable part of the Canadian heritage so it won't be necessary to discuss that any more.



Puppet done by Kwakiutl Indians on B.C. coast: meagre evidence of the past.

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WASHINGTON

THE NATIONAL GALLERY of Art unveiled for the press this week its stellar acquisition, Repentant Magdalen, with a long tale of the high-level negotiations involved in getting the painting out of France. J. Carter Brown, the gallery's director, refused to disclose the price paid for the painting, previously known as Magdalen of the Mirror, which was bought from the French collector and dealer Andre Fabius. However, in

formed sources put it at about \$8-million.

Because it is considered a national treasure, the painting had to be screened before its release for export by a specially appointed Government commission known as the Artistic Council of French National Museums. For almost a year, opposing views were aired in French cultural publications as to the wisdom of its leaving the country, one side contending that such a treasure should be kept in France, the other side holding that

masterworks of the French heritage should be given wide diffusion, or "rayonnement."

Apparently the forces of rayonnement won. The gallery has now released the text of a letter from Jean Chatelain, director of the museums of France, which said that the decision to let the painting go "must demonstrate sufficiently that the French authorities have no intention . . . of isolating themselves in an abusive national selfishness."

France parts with prize painting